

MEMO ENDORSED



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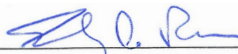
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March 30, 2020

BY ECF

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

The April 2 discovery conference is adjourned to June 26, 2020,
at 10:00 AM.



Edgardo Ramos, U.S.D.J.
Dated: Apr. 01, 2020
New York, New York

Re: Caraballo v. City of New York, et al., 18-CV-10335 (ER)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, Jonathan Epps, Jonathan Suero, and Anthony Mangano (“defendants”). I write this letter with plaintiff’s counsel Gregory P. Mouton, Jr. For the reasons set forth below, the parties jointly and respectfully request an adjournment of the April 2, 2020 discovery hearing to June 18, 2020. The parties also jointly and respectfully request an extension of the deadline for discovery and non-expert deposition testimony from June 24, 2020 to August 31, 2020.

By way of background, plaintiff alleges, *inter alia*, that, on or about November 7, 2015, the defendant officers used excessive force when effectuating plaintiff’s arrest.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well. That same day, the United States District Court for the Southern District of New York (“Southern District”) issued Standing Order 20 MISC 138, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses. Finally, on March 29, 2020, President Trump extended the

federal social distancing guidelines to April 30, 2020, and it is expected that the State of New York will follow such guidelines.

In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus.

In light of the above, Defendants currently have very limited access to retrieving the necessary documents from the New York City Police Department. This will ultimately delay any resolution that plaintiff and defendants arrive at regarding document discovery as access to those documents are currently extremely limited. A new date for the discovery conference will allow additional time for the current situation to potentially be resolved and make access to requested documents easier to obtain.

Finally, an enlarged discovery deadline is requested by the parties as there are challenges created by COVID-19 on taking depositions in this matter, namely in light of the fact that plaintiff is currently incarcerated. Mr. Caraballo is currently at the Washington Correctional Facility in Comstock, New York. Because of its location and visiting hours, preparation for Mr. Caraballo's deposition, as well as obtaining Mr. Caraballo's insight into the events leading to his arrest to depose the individual defendants, will require several different visits. Currently, all visitation is suspended during the social distancing measures put in place, making such preparation impossible at this time.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen M. Suhovsky", with a stylized flourish at the end.

Stephen M. Suhovsky
Senior Counsel

VIA ECF:

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